

In The Court Of Appeal Of The State Of California 62
Sixth Appellate District
San Jose, California

MONDAY, APRIL 08, 2002

H023217 PEOPLE v. LE

The judgment is affirmed. (not published)
(Elia, J.; We concur: Premo, Acting P.J., Wunderlich, J.)
Filed April 8, 2002

H023274 PEOPLE v. NIETO

The judgment is affirmed. (not published)
(Elia, J.; We concur: Premo, Acting P.J., Wunderlich, J.)
Filed April 8, 2002

H022540 PEOPLE v. PATTERSON

The judgment is affirmed. (not published)
(Premo, Acting P.J.; We concur: Elia, J., Wunderlich, J.)
Filed April 8, 2002

H023750 PEOPLE v. YANEZ

The judgment is affirmed. (not published)
(Elia, J.; We concur: Premo, Acting P.J., Wunderlich, J.)
Filed April 8, 2002

H022320 PEOPLE v. BARAJAS

The three-year enhancement under section 12022.7, subdivision (a) is ordered stricken. The judgment is modified and defendant's sentence is reduced to 34 years to life with the possibility of parole. The modified sentence includes 9 years for the attempted murder and 25 years to life for the firearm enhancement pursuant to section 12022.53, subdivision (d). As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Rushing, J.)
Filed April 8, 2002

H023488 PEOPLE v. MICHAEL C., A Minor

The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Rushing, J.)
Filed April 8, 2002

In The Court Of Appeal Of The State Of California 63
Sixth Appellate District
San Jose, California

TUESDAY, APRIL 09, 2002

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Premo, Acting P.J.; Elia, J.; Wunderlich, J.; and W. Magsaysay, Deputy Clerk.

H022775 PEOPLE v. LAZALDE

Cause called and argued by Richard Krech appearing for Appellant and by Rene Chacon, Deputy Attorney General, appearing for Respondent. Additional case citation and copies received in open court from counsel for appellant. Cause ordered submitted.

H022107 PEOPLE v. GUSTAFSON

Cause called and argued by Alexandra D'Italia appearing for Appellant and by Jeffrey M. Laurence, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H022232 BROWN WOOD PRODUCTS v. INTERLAB ROBOTICS; H-SQUARE ENGRAVING SYSTEMS; GREGORY STERLING, as Receiver, etc.

Cause called and argued by Jeffrey Rosenberg appearing for Appellant and by David Mark appearing for Respondent. J. LeBoeuf, Counsel for respondent Gregory Sterling, as Receiver, etc., is not present. Cause ordered submitted.

H022553 SARATOGA FIRE DISTRICT v. W. C. HACKETT, et al.

Cause called and argued by Michael G. Ackerman appearing for Appellants and by Barton G. Hechtman appearing for Respondent. Cause ordered submitted. Court is in recess until 1:30 p.m.

H023876 MARTIN v. SUPERIOR COURT; PEOPLE

Let a peremptory writ of mandate issue directing the clerk of the appellate division of respondent court to accept for filing as of November 9, 2001, defendant's notice of appeal challenging the order of October 29, 2001, denying his Penal Code section 1538.5 motion to suppress evidence. This opinion is made final immediately as to this court. (Cal. Rules of Court, rule 24(d).) The stay order issued January 17, 2002, is vacated.

(not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Rushing, J.)

Filed April 9, 2002

In The Court Of Appeal Of The State Of California 64
Sixth Appellate District
San Jose, California

Tuesday, April 09, 2002 (continued)

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Premo, J.; Wunderlich, J.; and S. Nasson, Deputy Clerk.

H022025 PRUDENTIAL INSURANCE CO. OF AMERICA, INC., et al. v. SUPERIOR COURT; DUNNIWAY

Cause called and argued by Jeffrey Smith appearing for Petitioners and by Guy Kornblum appearing for Real Party in Interest. Cause ordered submitted. Bamattre-Manoukian, Acting P.J. leaves the bench. Elia, J. takes the bench.

H022379 PEOPLE v. MONDRAGON

Cause called and argued by Brian Hong appearing for Appellant and by Jim Panetta, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H022408 SCHLUMBERGER TECHNOLOGIES, INC. v. KLA-TENCOR CORP.

Cause called and argued by Eileen Ridley appearing for Appellant and by Chris Scott Graham appearing for Respondent. Cause ordered submitted.

H022253 WARFEL v. EWBANK

Cause called. Charles Warfel appeared in propria persona and Alan Arnaudy appeared for Respondent. Cause ordered submitted without argument.

H022203 ZUMEL v. LEWIS, et al.

Cause called. Anita Zumel appeared in propria persona and Tyler Draa appeared for Respondents. The court accepted the written argument of Appellant, there being no objection by Respondent. Cause ordered submitted. Court is adjourned.

H022092 CONSTRUCTION DEVELOPMENT SERVICES, et al. v. CITY OF MONTE SERENO; LOMA SERENA HOMEOWNERS ASSOCIATION

The judgment is reversed, and the trial court is directed to enter a new judgment denying the mandate petition. Loma Serena and the City shall recover their appellate costs. (not published)

(Mihara, J.; We concur: Premo, Acting P.J., Elia, J.)
Filed April 9, 2002

In The Court Of Appeal Of The State Of California 65
Sixth Appellate District
San Jose, California

WEDNESDAY, APRIL 10, 2002

(no minute approved orders)

THURSDAY, APRIL 11, 2002

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Premo, Acting P.J.; Wunderlich, J.; Mihara, J.; and R. W. Norvelle, Deputy Clerk.

H021238 PEOPLE V. SCOTT

Cause called and argued by Richard Doctoroff appearing for Appellant and by Rene Chacon, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H021461 & H022278 PEOPLE v. JOHNSON

Cause called and argued by Meridith Fahn appearing for Appellant and by Michele J. Swanson, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H022655 HOWARD JARVIS TAXPAYERS ASSOCIATION, et al. v. CITY OF SALINAS

Cause called and argued by Timothy J. Morgan appearing for Appellants and by Mitchell E. Abbott appearing for Respondent. Cause ordered submitted. Mihara J. steps down and Wunderlich, J. takes the bench.

H022046 CENTURY INDEMNITY COMPANY, et al. v. ROY HEARREAN, et al.

Cause called and argued by Brandt Wolkin appearing for Appellants and by Roger S. Raphael appearing for Respondents. Cause ordered submitted.

H022393 GEORGE J. ESPINO, et al. v. BENNETT, et al.

Cause called and argued by Appellant Edith Ibarra appearing in propria persona and by Craig Brown appearing for Respondents. Cause ordered submitted. Court adjourns

In The Court Of Appeal Of The State Of California 66
Sixth Appellate District
San Jose, California

FRIDAY, APRIL 12, 2002

H020839 PEOPLE v. ENGLAND

The judgment is reversed. The trial court is directed to vacate the true finding on the allegation that defendant had suffered a prior conviction in Minnesota for simple robbery in case No. 43059. That allegation may be retried. (See People v. Scott, supra, 85 Cal.App.4th at pp.924-926.) If it is again found true, the trial court shall reinstate its judgment. If it is found not true or is not retried, the court shall resentence defendant. (not published)

(O'Farrell, J.*; We concur: Bamattre-Manoukian, Acting P.J. and Wunderlich, J.)

*Judge of the Monterey Superior Court sitting under assignment by the Chairperson of the Judicial Council.

Filed April 12, 2002

H022729 ESTATE OF ELSA LAWRENCE, Deceased.; LAWRENCE, as executor, etc. v. LAWRENCE

The court's orders are affirmed. Susan is ordered to pay sanctions of \$15,000 to reimburse the estate for reasonable appellate attorney's fees. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Rushing, J.)

Filed April 12, 2002

H024101 LACI G., et al. v. SUPERIOR COURT OF SANTA CLARA COUNTY

The petitions for extraordinary writ are denied. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Rushing, J.)

Filed April 12, 2002

H023239 DFCS v. GLORIA B.

The order granting visitation at the June 25, 2001, post permanency planning hearing is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Rushing, J.)

Filed April 12, 2002

In The Court Of Appeal Of The State Of California 67
Sixth Appellate District
San Jose, California

Friday, April 12, 2002 (continued)

H021352 PEOPLE v. O'KEEFE

We modify the judgment to strike the conviction for Count 2 and the attendant enhancement. As modified, the judgment is affirmed. The Clerk of the Santa Clara County Superior Court is directed to amend the abstract of judgment in accordance with our modification. (not published)

(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J., O'Farrell, J.*)

Filed April 12, 2002

*Judge of the Monterey Superior Court assigned by the Chief Justice pursuant to Article VI, Section 6 of the California Constitution.